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No. 71-303

In the Supreme Court of the United States

OCTOBER TERM, 1971

MICHAEL E. PAULDINO, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

ERWIN N. GRISWOLD,
Solicitor General,
Department of Justice,
Washington, D.C. 20530.

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After a jury trial in the United States District Court for the District of Colorado, petitioner and one Bridwell were convicted of having traveled from Colorado to Nebraska with intent to promote and engage in illegal gambling activities, and with actual performance of those acts, in violation of 18 U.S.C. 1952. The court of appeals affirmed (Pet. App. A).

Petitioner's contention that the Travel Act was improperly applied to his conduct, as well as his other

contentions, are answered in the opinion below on which we rely.[1]

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ERWIN N. GRISWOLD,
Solicitor General.

SEPTEMBER 1971.

[1] Bridwell has filed a separate petition for a writ of certiorari (No. 71-165) raising essentially the same issues. Our separate memorandum in opposition in that case also relies on the opinion below.

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